

MONTANA LEGISLATIVE HISTORY

Chapter 66 19 71

Bill H _____ S 177

Original bill & history X c

H. Committee on Townships & Counties

S. Committee on Local Gov.

Hearing Date(s) 2/16 X c

Hearing Date(s) 1/22 X c

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Date Out _____ c

Did this bill originate in an interim committee? _____ Yes _____ No

Committee _____

Report _____

No.	Title of Bill	Page
	under certain circumstances, and for other purposes."	95, 179, 256, 401, 411, 438, 468, 470, 745, 775, HA-785, 853, 854.
175	Introduced by James, Rugg, Thiessen, Stein, Stephens, McGowan: A bill for an act entitled: "An act to amend Section 66-906, R.C.M., 1947, relating to the admission of dentists to practice in the state."	95, 179, 256, 291, 299, 337, 341, 377, 743, 777, 778.
176	Introduced by James, Mackay, Goodheart: A bill for an act entitled: "An act to eliminate certain duplicate reporting requirements and provide that the State Board of Equalization, the Teachers' Retirement Board, the Montana Historical Society Board of Trustees, and the Montana State Bureau of Mines and Geology be subject to the same reporting requirements as are other state agencies under Section 82-4002, R.C.M., 1947; amending Sections 44-523, 75-2703, 75-608 and 84-708, R.C.M., 1947."	95, 179, 256, 280, 299, 337, 377, 725.
177	Introduced by McCallum, Turnage, Dzivi, Sheehy, McKeon: A bill for an act entitled: "An act to amend Sections 11-1814 and 16-3705, R.C.M., 1947, to provide for the waiving of residency requirements for police officers, deputy sheriffs or marshals."	95, 138, 140, 153, 164, 566, 603, 761.
178	Introduced by McCallum, Rugg, Moore, Rostad, Rossell, Sorensen, McGowan, McOmber: A bill for an act entitled: "An act amending Section 26-301, R.C.M., 1947, to include stockkilling mountain lions in subsection (5)."	96, 180, 196, 204, 216, 218, 246, 708, 736, 742, 863.
179	Introduced by Gilfeather, Turnage, Sheehy: A bill for an act entitled: "An act to amend Section 84-301, R.C.M., 1947, to include trailers affixed to land, mobile homes and all of or the first seventeen thousand five hundred dollars (\$17,500) of value of real estate, clarification of eligibility and increasing maximum retirement benefits eligible for classification of property, and providing an effective date."	96, 180, 197, 218, 250, 252, 269, 658, 756, HA-770, 841, 842.
180	Introduced by Bertsche, Cochrane: A bill for an act entitled: "An act to amend Sections 82-3303 and 82-3306, R.C.M., 1947, by adding two statutory	

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Chap.	Senate Bill	House Bill	Title	Page
			1120 and repealing Section 41-1118, R.C.M. 1947; and providing an effective date.	445
52		122	An act to amend Section 32-1208, R.C.M. 1947, revising the monetary limits at which an accident must be reported from one hundred dollars (\$100) to two hundred and fifty dollars (\$250).	446
53		161	An act to authorize the highway patrol board to issue identification cards to persons over eighteen (18) years of age.	447
54		100	An act to amend Section 94-3527, R.C.M. 1947, providing exceptions for carrying concealed weapons.	448
55		120	An act to amend Section 33-421, R.C.M. 1947, revising the monetary limits at which an accident must be reported from one hundred dollars (\$100) to two hundred and fifty dollars (\$250).	449
56		121	An act to amend Section 53-422, R.C.M. 1947, revising the damage limit in determining the requirement of security from one hundred dollars (\$100) to two hundred fifty dollars (\$250).	450
57		178	An act to amend Sections 75-6207, 75-6208, 75-6213, R.C.M. 1947, relating to the employer contribution to the pension accumulation fund, to interest due on redeposit of contributions, to the retirement benefits and disability benefits paid by the teachers retirement system and further relating to the payment of interest when purchasing out-of-state service.	452
58		422	An act to amend Section 64-207.1, R.C.M. 1947, relating to the opportunity of a publisher of libelous or defamatory matter to correct the same, by adding cable television systems to the list of such publishers: repealing all acts and parts of acts in conflict herewith.	464
59		596	An act to amend Section 23-3318, R.C.M. 1947, by providing for filing of certificates of nomination by candidates for municipal offices; and providing an effective date.	465
60	13		An act to provide a period of ten years within which an action for damages arising out of certain services or work on improvements to real property must be commenced; and providing an effective date.	466
61	29		An act providing for the creation of a confidential relationship between student and school personnel.	467
62	80		An act to amend Sections 4-114 and 4-121, R.C.M., 1947, relating to the hours state liquor stores shall be open.	469
63	139		A bill to provide a guaranty association for all insurers, to protect the public from insurer insolvency and providing for assessment among association members under certain conditions.	470
64	148		An act to provide for control and regulation of the affairs of insurance holding companies; prescribe rules and regulations governing acquisition and disposal of insurance holding companies; subjecting domestic insurers to examination by the insurance department; providing for application to be made to the insurance commissioner to approve certain transactions; providing for judicial review; defining terms; and providing penalties; repealing Sections 40-5501 through 40-5508, R.C.M., 1947.	480
65	165		An act to amend Section 87-117, R.C.M., 1947, to increase the per diem pay of members of the employment security commission.	500
66	177		An act to amend Sections 11-1814 and 16-3705, R.C.M., 1947, to provide for the waiving of residency requirements for police officers, deputy sheriffs or marshals.	501
67	205		An act to amend the motor carrier act setting the fees required for filing various documents.	504
68	207		An act to amend motor carrier act, Title 8, Chapter 1, R.C.M., 1947, by adding a new subsection (a) allowing the railroad and public service commission to assess fines for	

Local Gov.

1 SENATE BILL NO. 177

2 INTRODUCED BY

McCallum Turnage
Sherry McKeon

3
4 11-1814, 16-3705

5
6 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS
7 11-1814 AND 16-3705, R.C.M., 1947, TO PROVIDE FOR THE
8 WAIVING OF RESIDENCY REQUIREMENTS FOR POLICE OFFICERS,
9 DEPUTY SHERIFFS OR MARSHALS."

10
11 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE
12 OF MONTANA:

13 Section 1. Section 11-1814, R.C.M., 1947, is amended
14 to read as follows:

15 "11-1814. Qualifications of policemen. The members
16 of a police department of any city, at the time of their
17 appointment under this act, shall not be less than twenty-
18 one years of age nor more than forty years of age, pro-
19 vided, however, that any city council shall have the
20 power by ordinances duly passed and approved to retire
21 any police officer on half pay, who shall have arrived
22 at the age of sixty-five years, or who shall have served
23 continuously as a police officer for a period of not less
24 than twenty-five years, or who shall have become incapac-
25 itated to perform the duties of his office by reason of
26 injury or accident sustained while actually engaged in
27 the performance of his duties as an officer.

28 In every case a police officer must be a citizen of
29 the United States, must have resided in the state of
30 Montana at least two years, and have been a resident of

INTRODUCED BILL

the city or town in which he is appointed at least six
(6) months prior to such appointment, such qualifications
also to apply to every officer on the eligible list, at
the time he shall be transferred to the active list.

Provided, however, that the police commission may, in its
discretion, waive residency requirements.

Every police officer must be able to speak and write
understandingly the English language."

Section 2. Section 16-3705, R.C.M., 1947, is amended
to read as follows:

"16-3705. Qualifications of deputy sheriffs, marshals
and policemen. (1) No sheriff of a county, mayor of a
city, or other persons authorized by law to appoint special
deputies, marshals, or policemen in this state to pre-
serve the public peace and prevent or quell public dis-
turbance, shall hereafter appoint as such special deputies,
marshals, or policemen any person who shall not have re-
sided continuously in this state for a period of one year
at least, and in the county where such appointment is
made for the period of at least six (6) months prior to
the date of said appointment; provided, that the pro-
visions of this section shall not apply in cases of such
officers summoning a posse forthwith to quell public
disturbance or domestic violence. And provided further
that the person or body authorized by law to appoint
special deputies, marshals, or policemen may, in its
discretion, waive residency requirements.

(2) No sheriff of a first, second and third class
county shall employ as a deputy any individual who does
not possess all the following qualifications:

1 (a) graduate of an accredited high school or the
2 equivalent thereof;

3 (b) good moral character;

4 (c) never been convicted of a felony;

5 (d) has not within five (5) years immediately pre-
6 ceding his date of employment been affiliated in any
7 manner with a subversive organization;

8 (e) been examined by a physician licensed to
9 practice in the state of Montana within thirty (30)
10 days immediately preceding his date of employment and has
11 been pronounced in good physical condition.

12 Subsection (2) of this section shall not be ap-
13 plicable to any deputy sheriff of a first, second or
14 third class county whose term of employment commenced
15 prior to the effective date of this act.

16 (3) Any person whose term of employment as a
17 deputy sheriff of a first, second or third class county
18 commences subsequent to the effective date of this act
19 shall serve a one-year probationary period and that
20 during this one-year period the employment of any such
21 deputy may be terminated by the sheriff with or without
22 cause and without recourse to the sheriff under the
23 terms of this act.

24 (4) It shall be the duty of the sheriff of a first,
25 second or third class county to cause all deputies whose
26 term of employment commenced subsequent to the effective
27 date of this act to attend that academy provided for by
28 chapter 52, Title 75, R.C.M. 1947, except that the sheriff
29 may accept reasonable delays in attendance at the academy
30 as shown by the deputy's declared intention of attending.

1 Failure to satisfactorily complete the course offered
2 by said academy shall be deemed cause to terminate a
3 deputy's employment.

4 (5) Any deputy sheriff of a first, second or third
5 class county now employed or that may hereafter be em-
6 ployed shall continue in service until relieved of his
7 employment in the manner hereinafter provided and only
8 for one or more of the following specified causes:

9 (a) conviction of a felony subsequent to the com-
10 mencement of such employment;

11 (b) willful disobedience of an order or orders
12 given by the sheriff;

13 (c) drinking intoxicating liquor while in uniform
14 or while on official duty or being intoxicated in a
15 public place while in uniform or while on official duty;

16 (d) sleeping while on duty;

17 (e) incapacity materially affecting ability to
18 perform official duties;

19 (f) gross inefficiency in the performance of
20 official duties;

21 (g) participation in any political campaign as a
22 candidate or the solicitation of political support for
23 any candidate for public office.

24 (6) When a sheriff of a first, second or third
25 class county terminates the employment of a deputy he
26 shall at the time of termination cause to be served
27 upon said deputy a statement in writing subscribed and
28 sworn to by the sheriff setting forth the cause or
29 causes for the discharge or termination of the deputy's
30 employment.

1 (7) Any deputy sheriff of a first, second or third
2 class county whose employment is terminated from and
3 after the effective date of this act, may within thirty
4 (30) days from the date of the termination of his em-
5 ployment make application to the district court of the
6 county wherein the deputy was employed for a hearing
7 before the court, with or without jury, on the charges
8 resulting in the deputy's termination of employment or
9 discharge. In the event that a deputy prevails at the
10 hearing he shall be entitled to be reinstated as a
11 deputy sheriff at the same salary he received prior to
12 his discharge or termination of employment and he shall
13 also be entitled to any rights that might have accrued
14 to his benefit prior to his discharge or termination of
15 employment, including that salary which he would have
16 received but for the termination."

LOCAL GOVERNMENT

[illegible]

LOCAL GOVERNMENT

BILL NO.	SPONSOR	TITLE	COMMITTEE ACTION	FINAL STATUS
Senate SB 12	ROSTAD	PROVIDING FOR THE APPOINTMENT OF A TRUSTEE FOR A HOSPITAL DISTRICT WHEN NO NOMINATIONS ARE	DO PASS	GOVERNOR'S OFFICE
SB 63	DRAKE	REMOVING THEREFROM AUTHORITY TO WAIVE THE PARK DEDICATION REQUIREMENTS	DO PASS	SIGNED BY GOVERNOR
SB 77	BENNETT	AMENDING THE REFUSE DISPOSAL DISTRICTING LAW; ALLOWING JOINT REFUSE DISPOSAL DISTRICTS	DO PASS AS AMENDED	SIGNED BY GOVERNOR
SB 81	HIBBARD	TO AUTHORIZE COUNTY TREASURER TO PAY AN IRRIGATION DISTRICT CERTAIN FUNDS COLLECTED	DO PASS	SIGNED BY GOVERNOR
SB 85	DRAKE	DISINCORPORATION OF CITIES OR TOWNS	DO PASS AS AMENDED	1-26-71 KILLED IN 2ND READING
SB 101	LYNCH	RAISING JUSTICES' OF PEACE SALARIES ONE THOUSAND DOLLARS A YEAR	DO PASS AS AMENDED	KILLED IN HOUSE 2-23-71
SB 102	LYNCH	TO PROVIDE FALSE ARREST INSURANCE FOR SHERIFFS AND SHERIFFS' DEPARTMENTS.	DO PASS AS AMENDED	KILLED IN HOUSE 2-23-71
SB 156	LOWE	TO INCLUDE PAYMENT FOR CLOTHING AND PERSONAL NEEDS BY THE COUNTY FOR NEGLECTED CHILDREN.	TRANSFERRED	GOVERNOR'S OFFICE
SB 164	DRAKE	MAYOR AND COMMISSION PLAN OF GOVERNMENT FOR A COUNTY-WIDE MUNICIPALITY.	DO PASS AS AMENDED	KILLED IN HOUSE 2-24-71
SB 169	LYNCH	TO INCREASE THE SALARIES OF CERTAIN COUNTY OFFICERS	DO PASS AS AMENDED	GOVERNOR'S OFFICE
SB 177	MCCALLUM	TO PROVIDE FOR THE WAIVING OF RESIDENCY REQUIREMENTS FOR POLICE OFFICERS	DO PASS	SIGNED BY GOVERNOR
SB 190	BOLLINGER	ELIMINATING THE REQUIREMENT THAT THE ENTIRE EXAMINER'S REPORT OF A CITY BE PUBLISHED	DO NOT PASS	KILLED IN COMM. 2-10-71
SB 218	STEIN	TO PROVIDE FOR OTHER QUALIFIED PERSONS TO COMPETITIVELY BID FOR COUNTY PRINTING CONTRACTS	DO NOT PASS	KILLED IN COMM. 2-2-71

BILL NO.	ENTERED COMM.	COMMITTEE ON LOCAL GOVERNMENT						BE NOT CONCURRED IN
		OUT OF COMM.	DO PASS	DO NOT PASS	DO PASS AS AMENDED	BE CON- CURRED IN	BE CONCURRED IN AS AMENDED	
SB 12	January 5,	January 12	X					
SB 63	January 11	January 12	X					
SB 77	January 12	January 22			X			
SB 81	January 13	January 14	X					
SB 85	January 14	January 22			X			
SB 101	January 15	February 9			X			
SB 102	January 16	February 2			X			
SB 156	TRANSFERRED							
SB 164	January 19	February 6			X			
SB 169	January 20	February 11			X			
SB 177	January 20	January 22	X					
SB 190	January 20	January 26		X				
SB 218	January 21	February 2		X				
SB 223	January 21	January 26			X			
SB 229	January 21	February 9			X			
SB 243	January 21	January 30	X					
SB 244	January 21	January 26	X					
SB 245	January 21	January 28	X					
SB 252	January 21	February 2	X					
SB 253	January 21	February 9			X			
SB 256	January 21	February 9		X				
SB 257	January 21	February 9			X			
SB 259	January 21	February 11		X				

January 22, 1971

FOURTH MEETING

The fourth meeting of the Committee on Local Government was called to order by Chairman, Senator Thiessen on recess Friday, January 22, 1971 in Room 410.

ROLL CALL

Roll call was taken and showed a quorum present.

SB 85

Chairman Thiessen called on the Sub-committee who had been appointed to amend SB 85 for a report.

Senator Goodheart, Chairman of the Sub-committee read the amendment the committee was submitting to SB 85.

Senator Northey moved for the adoption of the amendment to SB 85. Motion was seconded by Senator Drake and the motion carried unanimously.

Senator Drake moved a "Do Pass" on SB 85 as amended. Motion was seconded by Senator Northey. The vote was withheld until later in the meeting.

SB 177

Chairman Thiessen called on Senator McCallum to present SB 177: (A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS 11-1814 AND 16-3705, R.C.M., 1947, TO PROVIDE FOR THE WAIVING OF RESIDENCY REQUIREMENTS FOR POLICE OFFICERS, DEPUTY SHERIFFS OR MARSHALS.") Senator McCallum said SB 177 was sponsored by the Police Protective Association. Senator McCallum introduced Mr. Jacobson of the Montana Police Protective Association.

Mr. Jacobson testified in favor of SB 177, stating that it would upgrade the police protection to the people of Montana. At present, there are many qualified men who would like to work in Montana but because of the residency requirement it is impossible for them to come to Montana and impossible for the cities and towns to hire them said Mr. Jacobson. He further answered questions by stating that it is difficult to recruit men for police training and that many of the men who would like to come to Montana are qualified and well trained. Mr. Jacobson answered further questions by saying that anyone being hired in Montana would have to take a written test as part of the qualifying requirements and would also have to serve a probation period.

January 22, 1971
Fourth meeting

SB 77

Senator Lynch presented the amendments the Subcommittee had drafted for SB 77.

DISMISSAL

Seantor Thiessen, Chairman, dismissed all persons who had testified on any of the Senate Bills being considered this day.

SB 85

Chairman Thiessen called for a 'Roll call' vote on SB 85 that had previously been moved and seconded to "Do Pass" as amended. The roll call vote showed 7 aye, 1 nay, 2 excused and 1 absent. Chairman Thiessen declared SB 85 be submitted with a "Do Pass" vote from the committee.

SB 177

Senator Stephens moved that SB 177 "Do Pass". Motion was seconded by Senator Lowe and the motion carried unanimously.

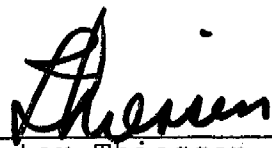
SB 77

Senator Lynch moved for the adoption of the amendment to SB 77. The motion was seconded by Senator James and the motion carried unanimously.

Senator Drake moved that SB 77 "Do Pass" as amended. The motion was seconded by Senator James and the motion carried unanimously.

ADJOURNMENT

There being no further business the meeting was declared adjourned by Chairman, Senator Thiessen.



Senator Thiessen, Chairman

SENATE COMMITTEE ON

LOCAL GOVERNMENT

DO PASS motion

DATE January 22, 1971

[illegible]

TOTAL

$\frac{7}{\text{aye}}$ $\frac{1}{\text{nay}}$ $\frac{2}{\text{ex}}$ $\frac{1}{\text{ab}}$

42nd LEGISLATIVE SESSION 1971

[illegible]

42nd LEGISLATIVE SESSION 1971

~~SMITH~~, Carl M.
Powder River (8) (R)

Townships & Counties COMMITTEE

42nd Legislative Assembly

Bill No.	Subject Matter	Date In	Hearing Date	Comments	Date Out	Committee Action	Final Action
B 81 Shepard	To authorize the County Treas to pay Irrigation Dist. certain funds collected on behalf of dist for reserve fund purposes for U.S. Contract Fund.	1/14/71	2/13 2/16/71		2/16/71	Be Concurred In	
B 63 Bake	Removing therefrom authority to waive the park dedication requirements & substitute therefor the right to accept a cash donation in lieu of land donation, etc.	1/23/71	1/30/71		1/30/71	Be Concurred In	
B 177 Callum	To provide for the ending of residency requirements for justice officers, Deputy Sheriffs or Marshalls.	1/27/71	2/13 2/16/71		2/16/71	Be Concurred In	
B 77 Bennett	Amending refuse disposal district law adding a section to allow permit refuse disposal district to allow the Co. attorney to be legal advisor of same.	1/29/71	2/13		2/18/71	Be Concurred In	
B 245 Dove	Limitation upon amount of money that a County can expend upon any public work or construction project.	2/2/71	2/13 2/16/71	Action Referred til 2/18/71	2/18/71	Be Concurred In	
B 198 Burnage	Requiring persons excavating in any public street, alley, right-of-way dedicated to public use to obtain information thereon of underground facilities.	2/9/71	2/16/71		2/16/71	Be Concurred In	
B 223 Deschamps	To repeal the expiration date of the Interlocal Cooperative Commission.	2/6/71	2/16/71		2/16/71	Be Concurred In	

February 16, 1971
Proceedings of the
TOWNSHIPS AND COUNTIES COMMITTEE

Chairman Arnold Falkenstern called the meeting to order at 10:30 a.m. The secretary called the roll: eight members present; Representatives Perry, Nichols and Selstad absent.

SENATE JOINT RESOLUTION NO. 13: Senator Jim Moore, District 12, Chief Sponsor. This resolution proposes to set up planning districts around population areas, requests governor to leave the South-Central Montana Development Federation intact. It has been proposed that Wheatland, Golden Valley and Musselshell counties be removed from this South-Central Federation and placed in the Lewistown district. Proponents of the resolution feel that geographic barriers make this impractical.

Proponents: Ralph Gildroy, Pres. South-Central Montana Development Federation submitted a prepared statement which follows this copy of the minutes. Representative Herschel Robbins, District 12A supported the resolution as did Rep. Jim Burnett, District 13.

SENATE BILL NO. 81: Senator Hank Hibbard, District 21, Chief Sponsor, said this is a housekeeping measure that pertains to irrigation districts and would make it legal for irrigation districts to invest their own funds.

Proponent Bob Ellis, Helena Valley Irrigation District, supported the bill.

SENATE BILL NO. 177: Senator George McCallum, District 27, Chief Sponsor, said the bill was drafted by the Police & Protective Association. It would change the residency requirements and help to upgrade law enforcement. Senator Turnage appeared in support.

There were no proponents or opponents.

SENATE BILL NO. 198: Senator Gene Turnage, District 28, Chief Sponsor, introduced this legislation at the request of the telephone utilities. The bill has been amended by the Senate Judiciary Committee. Proposes to have location of underground utilities on file so contractors may find out in advance of excavation where they are in order not to disrupt service.

PROPONENT: Jack Marlow, Sec., Montana Contractors Assoc. Mr. Marlow said the contractors have a slogan "Call before you dig". They support this measure.

SENATE BILL 223: Senator G. W. Deschamp, District 26, Chief Sponsor, stated this is an amendment to existing codes to extent the expiration date of Interlocal Cooperative Commissions.

SENATE BILL NO. 245: Senator Wm. R. Lowe, District 9, Chief Sponsor, stated this bill provides that counties must not use devious means to keep from putting contract work up for competitive

Stay of proceedings. (b) The filing of an appeal pursuant to this section shall stay the application of any such rule, regulation, order or other action of the commissioner to the appealing party unless the court, after giving such party notice and an opportunity to be heard, determines that such a stay would be detrimental to the interests of policyholders, shareholders, creditors or the public.

Petition for writ of mandamus. (c) Any person aggrieved by any failure of the commissioner to act or make a determination required by this article may petition the district court for Lewis and Clark county for a writ in the nature of a mandamus or a peremptory mandamus directing the commissioner to act or make such determination forthwith.

Laws superseded. Section 14. **Conflict with other laws.** All laws and parts of laws of this state inconsistent with this article are hereby superseded with respect to matters covered by this article.

Severability clause. Section 15. **Separability of provisions.** If any provision of this article or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this article which can be given effect without the invalid provision or application, and for this purpose the provisions of this article are separable.

Approved February 27, 1971

CHAPTER NO. 65

An Act to Amend Section 87-117, R.C.M., 1947, to Increase the Per Diem Pay of Members of the Employment Security Commission.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause. Section 1. Section 87-117, R.C.M., 1947, is amended to read as follows:

Employment security commission created. Three members—appointment. "87-117. **Employment security commission—organization.** There is hereby created a commission to be known as the employment security commission of Montana. The commission shall consist of three (3) members who shall be appointed by the governor by and with the advice and consent of the senate. Two (2) of the members of

the commission shall be from different political parties and shall serve for terms of four (4) years, provided, however, that one (1) of those first appointed after this act takes effect shall serve for a term of two (2) years. They shall serve on a per diem basis and shall be paid at the rate of *twenty dollars (\$20)* per day of service plus actual and necessary expenses, provided, however, that the total per diem compensation in any one (1) year for each of said two (2) members shall not exceed the sum of *one thousand dollars (\$1,000)*. The third member of the commission, who shall be designated as a chairman at the time of his appointment, shall be paid a full-time salary in an amount to be fixed by the governor and shall be the executive director. During his term of membership on the commission, no member shall serve as an officer or committee member of any political party organization. The governor may, at any time, after notice and hearing, remove any commissioner for neglect of duty, malfeasance, misfeasance, or nonfeasance in office."

Term of office.

\$20 per day.

Limitation \$1,000 per year.

Chairman. Salary.

Limitation.

Governor may remove for cause.

Approved February 27, 1971.

CHAPTER NO. 66

An Act to Amend Sections 11-1814 and 16-3705, R.C.M., 1947, to Provide for the Waiving of Residency Requirements for Police Officers, Deputy Sheriffs or Marshals.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 11-1814, R.C.M., 1947, is amended to read as follows:

Amending clause.

"11-1814. **Qualifications of policemen.** The members of a police department of any city, at the time of their appointment under this act, shall not be less than twenty-one years of age nor more than forty years of age, provided, however, that any city council shall have the power by ordinances duly passed and approved to retire any police officer on half pay, who shall have arrived at the age of sixty-five years, or who shall have served continuously as a police officer for a period of not less than twenty-five years, or who shall have become incapacitated to perform the duties of his office by reason of

Qualifications for policemen.

21 to 40 years of age.

Power to retire at 65.

25 years service.

Disabled.

injury or accident sustained while actually engaged in the performance of his duties as an officer.

Citizen.
Residency.

In every case a police officer must be a citizen of the United States, must have resided in the state of Montana at least two years, and have been a resident of the city or town in which he is appointed at least six (6) months prior to such appointment, such qualifications also to apply to every officer on the eligible list, at the time he shall be transferred to the active list. *Provided, however, that the police commission may, in its discretion, waive residency requirements.*

Discretionary
waiver.

Every police officer must be able to speak and write understandingly the English language."

Amending clause.

Section 2. Section 16-3705, R.C.M., 1947, is amended to read as follows:

Qualifications for
special deputies.

"16-3705. **Qualifications of deputy sheriffs, marshals and policemen.** (1) No sheriff of a county, mayor of a city, or other persons authorized by law to appoint special deputies, marshals, or policemen in this state to preserve the public peace and prevent or quell public disturbance, shall hereafter appoint as such special deputies, marshals, or policemen any person who shall not have resided continuously in this state for a period of one year at least, and in the county where such appointment is made for the period of at least six (6) months prior to the date of said appointment; provided, that the provisions of this section shall not apply in cases of such officers summoning a posse forthwith to quell public disturbance or domestic violence. *And provided further, that the person or body authorized by law to appoint special deputies, marshals, or policemen may, in its discretion, waive residency requirements.*

Residency.

Exception.

Discretionary
waiver.

Qualifications for
deputies.

(2) No sheriff of a first, second and third class county shall employ as a deputy any individual who does not possess all the following qualifications:

- (a) graduate of an accredited high school or the equivalent thereof;
- (b) good moral character;
- (c) never been convicted of a felony;
- (d) has not within five (5) years immediately pre-

ceding his date of employment been affiliated in any manner with a subversive organization;

(e) been examined by a physician licensed to practice in the state of Montana within thirty (30) days immediately preceding his date of employment and has been pronounced in good physical condition.

Subsection (2) of this section shall not be applicable to any deputy sheriff of a first, second or third class county whose term of employment commenced prior to the effective date of this act.

Exceptions.

(3) Any person whose term of employment as a deputy sheriff of a first, second or third class county commences subsequent to the effective date of this act shall serve a one-year probationary period and that during this one-year period the employment of any such deputy may be terminated by the sheriff with or without cause and without recourse to the sheriff under the terms of this act.

One-year
probationary
period.

(4) It shall be the duty of the sheriff of a first, second or third class county to cause all deputies whose term of employment commenced subsequent to the effective date of this act to attend that academy provided for by chapter 52, Title 75, R.C.M. 1947, except that the sheriff may accept reasonable delays in attendance at the academy as shown by the deputy's declared intention of attending. Failure to satisfactorily complete the course offered by said academy shall be deemed cause to terminate a deputy's employment.

Academy
attendance
required.

(5) Any deputy sheriff of a first, second or third class county now employed or that may hereafter be employed shall continue in service until relieved of his employment in the manner hereinafter provided and only for one or more of the following specified causes:

Causes for removal.

- (a) conviction of a felony subsequent to the commencement of such employment;
- (b) willful disobedience of an order or orders given by the sheriff;
- (c) drinking intoxicating liquor while in uniform or while on official duty or being intoxicated in a public place while in uniform or while on official duty;

- (d) sleeping while on duty;
- (e) incapacity materially affecting ability to perform official duties;
- (f) gross inefficiency in the performance of official duties;
- (g) participation in any political campaign as a candidate or the solicitation of political support for any candidate for public office.

Statement of causes. (6) When a sheriff of a first, second or third class county terminates the employment of a deputy he shall at the time of termination cause to be served upon said deputy a statement in writing subscribed and sworn to by the sheriff setting forth the cause or causes for the discharge or termination of the deputy's employment.

Application for district court hearing. (7) Any deputy sheriff of a first, second or third class county whose employment is terminated from and after the effective date of this act, may within thirty (30) days from the date of the termination of his employment make application to the district court of the county wherein the deputy was employed for a hearing before the court, with or without jury, on the charges resulting in the deputy's termination of employment or discharge. In the event that a deputy prevails at the hearing he shall be entitled to be reinstated as a deputy sheriff at the same salary he received prior to his discharge or termination of employment and he shall also be entitled to any rights that might have accrued to his benefit prior to his discharge or termination of employment, including that salary which he would have received but for the termination."

Salary on reinstatement.

Rights restored.

Approved February 27, 1971.

CHAPTER NO. 67

An Act to Amend the Motor Carrier Act Setting the Fees Required for Filing Various Documents.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause. Section 1. Section 8-126, R.C.M., 1947, is amended to read as follows:

"8-126. **Fees required for filing various documents.** The board of railroad commissioners and the public service commission of Montana shall, except as otherwise provided by law, require and receive fees before filing any annual reports, tariffs, schedules and supplements thereof and shall require and receive fees for all copies of orders, documents, classifications, blank forms and other instruments prepared by it or on file in the office thereof, except as otherwise provided by law to be furnished free of charge, in accordance with the following schedule:

Fees required prior to filing.

Schedule.

Filing annual reports, each	\$ 5.00
Filing tariffs, time schedules and supplements thereto, each	2.00
For issuing certificates of public convenience and necessity to motor carriers, each	2.00
Classification for public utilities, each	1.50
Classification for motor carriers, each	.50
For copy of rules and regulations for motor carriers and blank forms of annual reports for utilities and common carriers	Cost

Nothing herein contained shall be construed to require or authorize the board of railroad commissioners or the public service commission to collect fees for the filing of any annual reports, tariffs, schedules and supplements thereof which relate solely to interstate commerce."

Exceptions.

Approved February 27, 1971.

CHAPTER NO. 68

An Act to Amend Motor Carrier Act, Title 8, Chapter 1, R.C.M., 1947, by Adding a New Subsection (a) Allowing the Railroad and Public Service Commission to Assess Fines for Violation of the Motor Carrier Act after Proper Hearing and Increasing Fines for Violation of the Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 8-119, R.C.M., 1947, is amended to read as follows:

Amending clause.